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Dana Gottesfeld in reference to Martin Gottesfeld
Martin Gottesfeld, Register Number 12982-104
FCI Terre Haute Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808

June 19, 2019

Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Gottesfeld v. Hurwitz*, 18 Civ. 10836 (PGG)

Dear Judge Gardephe:

I hope this letter from the spouse of the plaintiff, Mrs. Gottesfeld, finds the Honorable Court well. On May 21st, The Honorable Court ordered plaintiff Mr. Martin Gottesfeld to respond to the government's 50+ page motion to dismiss and memorandum of law in support of motion by June 20th (Dkt. Nos. 51 and 52). Given the reasons outlined in this letter, Mrs. Gottesfeld respectfully asks The Honorable Court to grant the plaintiff an extension if his reply to the motion to dismiss is not received by June 20th.

For reasons well-documented in the plaintiff's previous filings, there appears to be legitimate concern that Mr. Gottesfeld will not be able to meet that deadline for reasons beyond his control, and not for lack of trying. These reasons include, but are not limited to, the defendant's employees causing undue delay with mail delivery from the plaintiff to The Honorable Court and them restricting the content which plaintiffs can mail to The Honorable Court.

Mr. Gottesfeld's mail to The Honorable Court has been delayed by as much as several weeks. For instance, mail which was signed and mailed by Mr. Gottesfeld to the Honorable Court on April 27th was not docketed until May 7th, some 10 days later (Dkt. No. 45). On April 29th Mr. Gottesfeld sent mail to the court that didn't reach the docket till May 13th, two weeks later. (Dkt. No. 49). While it is indisputable that it can take a matter of weeks for Mr. Gottesfeld's mail to reach The Honorable Court, one may reasonably question the length of time it takes for mail from The Honorable Court to be delivered to Mr. Gottesfeld. Given the one-month window to respond to the motion to dismiss, delays in mail delivery like the above would occupy a significant portion of the response time, before the plaintiff even gets the opportunity to respond to the content of the 50+ page filing.

Mr. Gottesfeld has diligently attempted to rectify this situation and protect what should be direct communications between the Honorable Court and incarcerated plaintiffs from undue interference, in ways which include but are not limited to:

MEMO ENDORSED

*Plaintiff's opposition is due
July 11, 2019, and Defendant's
reply, if any, is due
July 25, 2019*

ORDERED:

Paul G. Gardephe

Paul G. Gardephe, U.S.D.J.

June 21, 2019

-- Mailing a motion to the Honorable Court for a Temporary Restraining Order (Dkt. No. 30), asking to prevent the CMU from interfering with "the timely or the intact delivery of the plaintiff's legal and other correspondence..."

-- Attempting to mail a letter to the Office of the DOJ Inspector General and U.S. Postmaster General regarding mail tampering such as multiple instances of stamps becoming invalidated after being crossed out with permanent markers (of which the inmates have none) (Dkt. No. 56)

-- The actions taken by Mr. Gottesfeld on the exhibit list in Cox v. Dodd (1:18-cv-02328, Dkt. No. 56) which describe complaints mailed to FBOP's Central Region office, including staff misconduct complaints, letters to the FCI Terre Haute Legal Department delineating Constitutional issues and pending motions, disciplinary hearing statements from Mr. Gottesfeld, and more. (As one can see on the docketed filing, all of the actual exhibits from the exhibit list were removed from the mailing before it reached The Honorable Court.)

And finally, just for the Honorable Court's information, the CMU has held Mr. Gottesfeld incommunicado from family and friends (including his spouse) for over 50 days as apparent unconstitutional retaliation for lawful assistance to another inmate with his legal work, further preventing him from gathering research which would help his reply. (Dkt. No. 50)

Given all of the reasons above, Mrs. Gottesfeld respectfully asks The Honorable Court to grant the plaintiff an extension, or in its wisdom, what the Honorable Court thinks is appropriate, if his reply to the motion to dismiss is not received by June 20th.

She thanks The Honorable Court for reading and considering her letter. She also asks and thanks the Clerk if they can please mail a copy of this letter to the plaintiff to ensure it reaches him.

Sincerely,

/s/ Dana E. Gottesfeld

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FCI Terre Haute Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808

cc: Alexander J. Hogan
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007

Return address:
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Martin Gottesfeld, Register Number 12982-104
FCI Terre Haute Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808

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United States District Court
of the Southern District of New York
Pro Se Intake Unit
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 105
New York, New York 10007